

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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ROSA MARIA OLAYO CASTANEDA,  
individually and on behalf of other  
similarly situated,

Plaintiff,

**24 Civ. No. 4672 (RA) (GS)**

-against-

**ORDER**

BUENA VISTA TORTILLAS CORP., *et*  
*al.*,

Defendants.

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**GARY STEIN, United States Magistrate Judge:**

On May 23, 2025, the parties were ordered to appear for an Initial Case Management Conference this morning, June 25, 2025, at 11:00 a.m. (Dkt. No. 33). Plaintiff's counsel appeared for the Conference. Defendants' counsel of record, Frances M. Forgione, Esq., did not appear, even after the Court waited 14 minutes to start the conference and called her provided phone number. Defense counsel also failed to meet and confer with Plaintiff's counsel on the Proposed Case Management Plan (Dkt. No. 34), as required, despite the Court calling and emailing defense counsel to remind her of this obligation. Defense counsel also failed to cooperate with Plaintiff's counsel in connection with the parties' last Status Report submitted in response to the Court's Order. (Dkt. Nos. 31–32). Ms. Forgione did not seek an adjournment or extension of any of these deadlines.

Failure to meet and confer and failure to appear for today's Conference are violations of the Court's direct orders. Ms. Fagione is hereby warned that continued failure to comply with the Court's orders will, absent proof of a sufficient excuse, result in sanctions being imposed

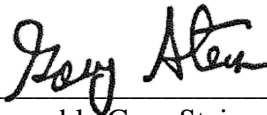
against Ms. Fagione personally or Defendants pursuant to Fed. R. Civ. P. 16(f) or the Court's inherent powers.

As Ms. Fagione failed to appear, the Court will enter the Case Management Plan and Scheduling Order as proposed by Plaintiff. Both parties are bound to comply with the so-ordered deadlines. In addition, Defendants' counsel is directed to order the transcript from the June 25, 2025 Initial Case Management Conference and to familiarize herself with the contents thereof. The costs associated with ordering the transcript shall be borne solely by Defendants.

Finally, this action is scheduled for a Video Status Conference on **Friday, August 15, 2025 at 10:00 a.m.** The parties are directed to join the conference via Microsoft Teams at the scheduled time using the following link: [Click here to join the meeting](#). **Meeting ID: [261 093 264 812 6] Passcode: [yj2Fe7fk]**

**SO ORDERED.**

DATED: New York, New York  
June 25, 2025

  
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The Honorable Gary Stein  
United States Magistrate Judge